

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

REVIEW PETITION STAMP NO. 620 OF 2007
IN
WRIT PETITION NO. 3180 OF 2006

Shri Ashok Shankar Kulkarni ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. S.P. Kadam for petitioner.
Mr. R.M. Patne, AGP for respondent nos.1 and 2.
Mr. R.G. Ketkar for respondent no.3.
Mr. Sagar Talekar with Mr. Rodrigues for respondent no.4.
Mr. Vinod Wagh h/f Mr. H.S. Venegavkar for respondent nos.5 and 6.

**CORAM: B.H. MARLAPALLE &
J.H. BHATIA, JJ.**

22/08/2007.

P.C.:

. Heard Mr. Kadam the learned counsel for the
review petitioner. There is no doubt, as we have
observed in our order dated 23/11/2006, that the
petitioner was appointed before the cut-off date i.e.
11/12/1999 in the post of Lecturer in the Senior
College and Mr. Kadam, therefore, submitted that he
was entitled for the protection under the GR dated
18/10/2001.

. The petitioner, in para 3 of his Writ Petition
No. 3180 of 2006, clearly admitted that in the
academic year 1999-2000 he was one of the candidates

who appeared for interview to the post of Lecturer in Mathematics against a vacant post in respondent no.6-College before the duly constituted University Selection Committee and the Committee did not select and recommend any candidate. Consequently, no appointment was made. But taking into consideration the need of service of a Lecturer in the subject, the Management appointed the petitioner for the academic year 1999-2000 which appointment has been continued for the subsequent years on year to year basis.

. Even after the petitioner was selected in the year 2002-03 by the regularly appointed Selection Committee, he would not be entitled for the protection as his appointment prior to the cut-off date 11/12/1999 was not made pursuant to the selection by the regularly constituted University Selection Committee.

. Hence, this review petition fails and the same is hereby rejected.

(J.H. Bhatia,J.)

(B.H. Marlapalle,J.)